

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a	)	Case No. 16-cv-1054 (DTS)
Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FEDERAL INSURANCE COMPANY,	)	
an Indiana corporation and ACE	)	
AMERICAN INSURANCE COMPANY,	)	
a Pennsylvania corporation,	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF MICHAEL A. ERBELE IN SUPPORT OF  
PLAINTIFF’S MEMORANDUM IN OPPOSITION TO  
DEFENDANTS’ MOTION TO BIFURCATE**

I, Michael A. Erbele, declare as follows:

1. I am a partner with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.
2. I make this Declaration on my own information, knowledge, and belief in support of Plaintiff’s Memorandum in Opposition to Defendants’ Motion to Bifurcate.
3. Attached hereto as Exhibit 1 is a true and correct copy of an excerpt from the 2016 Chubb Limited Annual Report, Bates numbered FICO0056557-56860.
4. Attached hereto as Exhibit 2 is a true and correct copy of a document marked as Exhibit 143 at the October 24, 2018 deposition of Russell Schreiber.

5. Attached hereto as Exhibit 3 is a true and correct copy of an excerpt of the February 26, 2019 deposition of Lawrence Wachs. This document is filed UNDER SEAL.

6. Attached hereto as Exhibit 4 is a true and correct copy of a document marked as Exhibit 110 at the October 24, 2018 deposition of Russell Schreiber. This document is filed UNDER SEAL.

7. Attached hereto as Exhibit 5 is a true and correct copy of a document marked as Exhibit 90 at the October 9, 2018 deposition of Thomas Carretta.

8. Attached hereto as Exhibit 6 is a true and correct copy of a document marked as Exhibit 32 at the August 2, 2018 deposition of John Taylor. This document is filed UNDER SEAL.

9. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff Fair Isaac Corporation's Third Supplemental Answers to Interrogatory Nos. 6-9, served on August 14, 2020. This document is filed UNDER SEAL.

10. Attached hereto as Exhibit 8 is a true and correct copy of an excerpt of the January 16, 2019 deposition of William Paul Waid. This document is filed UNDER SEAL.

11. Attached hereto as Exhibit 9 is a true and correct copy of a document filed as Exhibit A to the Declaration of William Waid, Bates numbered as FICO0000830. This document was previously filed on February 5, 2018, as Docket 79 in support of FICO's opposition to Defendant Federal Insurance Company's Motion to Compel. This document is filed UNDER SEAL.

12. Attached hereto as Exhibit 10 is a true and correct copy of Defendants' Eighth Supplemental Answer to Plaintiff's Interrogatory No. 17, served on June 15, 2020.

13. Attached hereto as Exhibit 11 is a true and correct copy of Defendants' Ninth Supplemental Answer to Plaintiff's Interrogatory No. 17, served on September 24, 2020.

14. Attached hereto as Exhibit 12 is a true and correct copy of an excerpt of the Supplemental Expert Report of Neil J. Zoltowski with Response to Damages, served on August 3, 2020.

15. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt of the Second Supplemental Expert Report of Neil J. Zoltowski with Response to Damages, served on May 13, 2021.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Expert Report of Neil J. Zoltowski with Response to Damages, served on April 19, 2019. This document is filed UNDER SEAL.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Expert Report of R. Bickley Whitener, served on April 19, 2019. This document is filed UNDER SEAL.

18. Attached hereto as Exhibit 16 is a true and correct copy of a document titled "An Introduction to Business Rules," Bates numbered FED000270\_0001. This document is filed UNDER SEAL.

19. Attached hereto as Exhibit 17 is a true and correct copy of a document titled “Chubb Enterprise Architecture,” Bates numbered FED000275\_0001. This document is filed UNDER SEAL.

20. Attached hereto as Exhibit 18 is a true and correct copy of an excerpt of the November 10, 2021 deposition of Sean J. Baseman. This document is filed UNDER SEAL.

21. Attached hereto as Exhibit 19 is a true and correct copy of an excerpt of the January 11, 2019 deposition of Henry Mirollyuz. This document is filed UNDER SEAL.

22. Attached hereto as Exhibit 20 is a true and correct copy of an excerpt of the July 31, 2018 30(b)(6) deposition of Henry Mirollyuz. This document is filed UNDER SEAL.

23. Attached hereto as Exhibit 21 is a true and correct copy of a document Bates numbered FED017914\_0001, a table description of each of the applications Defendants concede used Blaze Advisor. This document is filed UNDER SEAL.

24. Attached hereto as Exhibit 22 is a true and correct copy of a document titled “Business Rules Situation Overview,” Bates numbered FED000252\_0001. This document is filed UNDER SEAL.

25. Attached hereto as Exhibit 23 is a true and correct copy of a document titled “Overview of Business Rules Concepts and Solutions,” Bates numbered FED000243\_0001. This document is filed UNDER SEAL.

26. Attached hereto as Exhibit 24 is a true and correct copy of Docket Number 661 from *Cisco Sys. Inc. v. Arista Networks Inc.*, Case No. 14-cv-5344, downloaded from Pacer on December 6, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 6, 2022

/s/ Michael A. Erbele

Michael A. Erbele